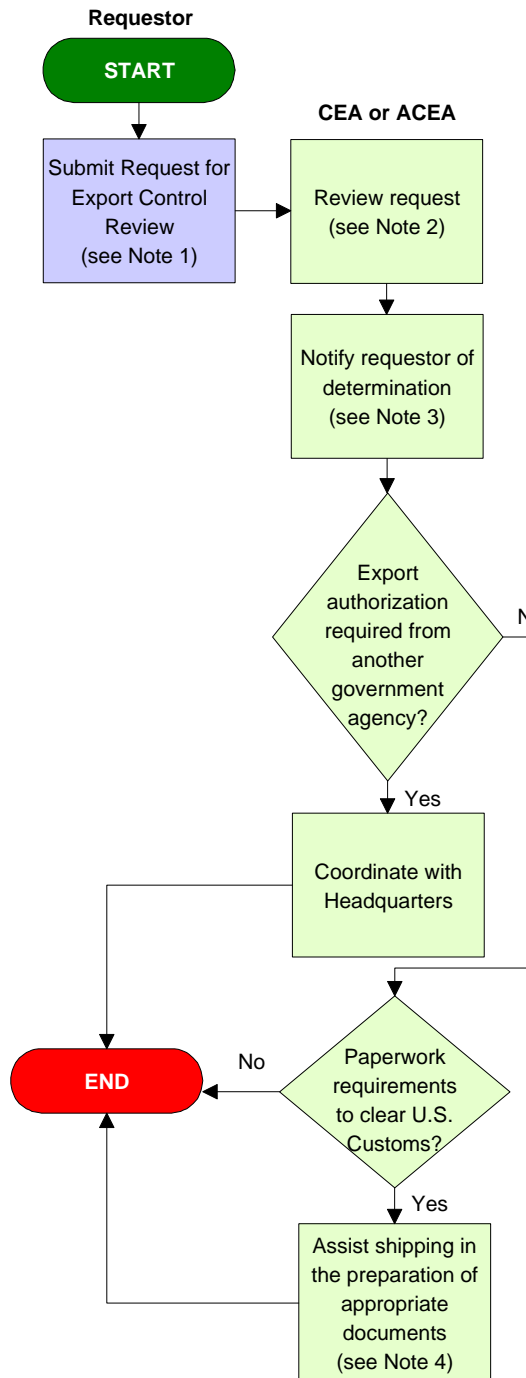


Requestor

EXPORT CONTROL

LMS-CP-1725

Revision: F-1



Objectives:

- To ensure that information and commodities are reviewed, approved, and classified by the Center Export Administrator (CEA) or Assistant Center Export Administrator (ACEA) and are released according to United States export laws and regulations and NASA policies and procedural requirements.

Approval original signed on file 9/30/07
Associate Director Date

General Information

The following records are generated by this procedure and should be maintained in accordance with CID 1440.7:

- Request for Export Control Review
- LF 52, Shipping/Transfer Document
- LF 52A, Export Control Document for Foreign Mailings
- LF 99, Technical Publication Approval Form
- All other records identified in Note 4

Note 1

Authors of scientific and technical information must use Technical Publication Submittal and Approval System (TPSAS), see LMS-CP-5904.

Shipping-related requests must use LF 52, Shipping/Transfer Document. Mail-related requests must use LF 52A, Export Control Document for Foreign Mailings.

Foreign national visit requests must be made via NASA Foreign National Management System (NFMMS).

Software release requests must be via e-mail from the Software Releasing Authority (SRA), see LMS-CP-1724.

Note 2

The following documentation will be used by CEA or ACEA when reviewing the request, determining the licensing jurisdiction and what if, if any, authorization is required:

- NASA Export Processing Template
- Export Administration Regulations (EAR) 15 CFR, Parts 730-774
- International Traffic in Arms Regulations (ITAR) 22 CFR, Parts 120-130
- NPR 2190.1

Note 3

Requestor must be informed of determination by:

- LF 99, Technical Publication Approval Form, if the request is for document release
- e-mail, if the request is for software release or foreign national visits
- LF 52 or LF 52A, if for mailing or shipping

Note 4

The NASA Export Control Program Part V requires Transportation Officers to maintain an effective record keeping system to maintain invoices, bills of lading (including Government Bills of Lading), airway bills, Foreign Consignee Statements, and other relevant export control shipping documents under the EAR and ITAR. All records shall be maintained for 5 years from date of export.

APPENDIX A

DEFINITIONS

Export - An export is the transfer (by physical, electronic, oral, visual or other means) of a commodity, software or technical data to a foreign person, or a U.S. person representing a foreign person, either abroad or in the United States.

Foreign Person - Foreign person means any natural person who is not a lawful permanent resident as defined by U.S.C. 1101 (a)(20) or who is not a protected individual as defined by 8 U.S.C. 1324b(a)(3). It also means any foreign corporation, business association, partnership, trust, society, or any other entity or group that is not incorporated or organized to do business in the United States, as well as international organizations, foreign governments and any agency or subdivision of foreign governments (e.g. diplomatic missions). For export control purposes a Green Card holder is considered a U.S. person not a foreign person.

Export Controls - Export controls refer to government rules and regulations that govern the transfer of commodities (equipment, hardware, or material), technologies (technical data, information, or assistance), and software (commercial or custom) to any non-U.S. entity or individual, wherever the transfer may take place. Persons convicted of violating these regulations can face up to a \$ 1 million fine and ten years imprisonment per violation.

Export Controlled - With the exception of publicly available technical data and software (which must meet specific definitions), every commodity, technical data, and software item in the economy from paper clips to the F22s flying overhead—is subject to the export control regulations.

NASA Export Control Program (ECP) - The NASA Export Control Program is a NASA-wide (Headquarters and Field Centers) system established to ensure that exports and transfers to foreign parties in international activities are consistent with U.S. export laws and regulations.

A significant percentage of NASA's international activities may involve transfers by NASA or other U.S. parties of commodities, software, or technologies to foreign partners. Activities within the United States may involve foreign nationals. These transfers are generally subject to export control laws and regulations. Export controls are imposed on such transfers and activities in order to protect the national security and foreign policy interests of the United States. No one is exempt from these controls, including NASA. A loss by NASA of its export privileges would be devastating to our ability to engage in international programs such as the International Space Station. As a NASA employee you must do your part to ensure compliance with all export control regulations, which will help prevent diversion of U.S. technology, protect U.S. national security, and further U.S. foreign policy.

A difficult concept to grasp about export control is that while everything except publicly available technical data or software is subject to export controls, the vast majority of exports take place without any license or authorization from the Department of State or the Department of Commerce, which are the chief agencies responsible for regulation of exports. The most frequently asked question is: Is the item, information or technology, I desire to send out of the country or transfer to a foreign person export controlled? This is a good question, but the wrong question to ask. The question that you really should be asking is: Does the item, information or technology that I desire to send out of the country or transfer to a foreign person require an authorization from either the Department of State or the Department of Commerce? This is the fundamental question in export control and the most complicated to deal with. To get assistance in answering this question, please contact the Center Export Administrator (CEA), extension 43592 or Assistant Center Export Administrator (ACEA), extension 43031.

For further information, please visit the LaRC Export Control website (<http://expcon.larc.nasa.gov>).